

BY-LAWS

OF

BEVERLY HILLS COMMUNITY HOMEOWNERS ASSOCIATION, INC.

ARTICLE I DECLARATION OF PURPOSE

The purposes of BEVERLY HILLS COMMUNITY HOMEOWNERS ASSOCIATION, INC. (BHCHAI), hereinafter referred to as the "Association", are those set forth in its Articles of Incorporation. The Association's primary concern is to provide and/or maintain community facilities and to facilitate the delivery of adequate social services and economic advantages for the Association to improve the quality of life and well-being of the community within Beverly Hills Subdivision.

ARTICLE II LOCATION

The principal office of BEVERLY HILLS COMMUNITY HOMEOWNERS ASSOCIATION, INC. shall be located at No. 11, Poinsettia Drive, Beverly Hills Subdivision, Barangay Dolores, Taytay, Rizal, as amended during the 11 July 2024 General Membership Meeting.

ARTICLE III MEMBERSHIP

Section 1. **Members.** Every homeowner, owner or purchaser of houses and/or lots in Beverly Hills Subdivision Antipolo/Taytay shall be qualified or eligible to be a member of the association. Unless otherwise provided in the Contract to Sell, Deed of Sale, or other instruments of conveyance, or annotated in the title of the property, membership in the association is voluntary. Membership to the Association is subject to the following conditions:

- a. Owners who lease their property may assign their membership rights under Section 4 to their lessee provided that their lease contract has a term of at least one (1) year. This is subject to the provisions of Section 6 of this By-laws, upon execution of a written consent or authorization from the owner of the lot and/or housing unit, given the property was leased for residential purposes, and upon complying with the requirements of membership under this By-laws and the law, as amended during the 16 September 2024 General Membership Meeting.
- b. When the member owns more than one (1) housing unit, or a multi-dwelling that are leased out to two (2) or more lessees, the written consent or authorization required herein shall be issued to only one (1) of them, as amended during the 16 September 2024 General Membership Meeting.
- c. The owner must declare that the property will mainly be used for residential purposes, as amended during the 16 September 2024 General Membership Meeting.

Those who do not meet the conditions stated above will automatically become beneficial users, subject to conditions as stated in Section 12 and 13 of this By-laws, as amended during the 16 September 2024 General Membership Meeting.

Section 2. **Application for Membership.** All applications for membership shall be subject to the approval of the Board of Trustees (hereinafter referred to as the “Board”). Membership shall become effective upon approval by the Board of the application for membership, and upon payment of the membership application fee, as amended during the 16 September 2024 General Membership Meeting.

Section 3. **Termination of Membership.** Membership in the association is terminated once the member ceases to be a homeowner, expiration of the lease contract or revocation of the consent provided by the property owner, as amended during the 16 September 2024 General Membership Meeting.

Section 4. **Rights of a Member.** A member, provided that they are in good standing, shall have the following rights:

- a. Avail of and enjoy all basic community services and the use of common areas and facilities, as amended during the 16 September 2024 General Membership Meeting;
- b. Inspect association books and records during office hours and to be provided, upon request, with a copy of annual reports, including financial statements, at the member’s own expense;
- c. Participate, vote and be eligible for any elective or appointive office of the association subject to the qualifications as provided for in this By-laws;
- d. Participate in association meetings, elections and referenda, as amended during the 16 September 2024 General Membership Meeting;
- e. Demand and promptly receive the refund of deposits such as construction bonds, required by the association as soon as the condition for the deposit has been complied with or the period therefor has expired; and
- f. To enjoy all other rights as may be provided in this By-laws.
- g. For properties with more than one owner or lessee, co-owners and co-lessees shall designate among themselves through an irrevocable special power of attorney, one who shall exercise all rights, obligations and prerogatives of membership, and agree to be bound by the consequences of the agent's actions and omissions, as amended during the 16 September 2024 General Membership Meeting.

Section 5. **Duties and Responsibilities of a Member.** A member shall have the following duties:

- a. To timely pay association dues, fees and other assessments;
- b. To support and participate in the projects, activities and affairs of the association;
- c. To attend meetings of the association; and
- d. To comply with this By-laws, policies, rules and regulations, and deeds of restrictions of the Association;

Section 6. **Voting Rights.** Each member shall be entitled to one (1) vote regardless of the number of properties owned, subject to the provisions in Section 4g of this By-laws, as amended during the 16 September 2024 General Membership Meeting. A member may exercise his/her/its voting right in person or by proxy.

Section 7. **Member in Good Standing.** A member in good standing is one who complies faithfully with all the duties and obligations of a member.

Section 8. Delinquent Member or Member Not in Good Standing. A member may be declared delinquent or not in good standing by the majority of the Board on any of the following grounds:

- a. Failure to pay at least six (6) months cumulative monthly dues or membership fees, and/or other charges and/or assessments despite repeated demands by the association, as amended during the 16 September 2024 General Membership Meeting;
- b. Failure to attend membership meetings in person or by proxy without any justifiable reason for at least two (2) consecutive annual general membership meetings despite receipt of notice, as amended during the 16 September 2024 General Membership Meeting.
- c. Finding of repeated violation of and non-compliance with, including but not limited to, final orders and directives, pertinent laws, rules and regulations and policies issued by duly constituted authorities, this By-laws, and/or the association's policies and/or rules and regulations;
- d. Commission of conduct inimical to the interest of the association and/or the community and determined by the Board from competent proof and after due notice and hearing, to have been committed by the member; or

A member who has been declared delinquent or not in good standing in accordance with the procedure in the succeeding Section is not entitled to exercise the rights of a member, but is nevertheless obliged to comply with Association rules and regulations, and to pay all the fees and dues assessed to a member in good standing, as amended during the 16 September 2024 General Membership Meeting.

Section 9. Procedure in Declaring a Member Delinquent or not in good standing. The Board or a committee assigned by the Board shall observe the following procedure in declaring a member delinquent or not in good standing:

- a. The Board shall preliminarily determine whether or not a member may be declared delinquent or not in good standing on any of the grounds provided in this By-laws.
- b. The President or the designated officer of the Association shall forthwith notify the said member in writing of the violation and require him/her to explain in writing, within fifteen (15) days from the receipt of the notice of violation, why he/she should not be declared delinquent or not in good standing.

In case the violation was for non-payment of dues, fees and other assessments, the notice shall state that the said member is given a grace period of sixty (60) days reckoned from the receipt of the notice to pay his/her/its arrears. The member shall notify the Board of his/her intention to avail of the grace period within fifteen (15) days from said receipt.

- c. After the lapse of fifteen (15) days, with or without a written explanation or notice of intention to avail of the grace period, the President or the designated officer shall submit the matter to the Board for hearing and deliberation. If a committee shall hear and deliberate, it shall transmit to the Board a summary of its findings and recommendations.
- d. Within fifteen (15) days from the commencement of the hearing and deliberations, or the termination thereof, whichever is earlier, by majority vote of all members of the Board, the member may be declared delinquent or not in good standing.

- e. The President shall notify the member concerned of the decision of the Board and shall furnish him/her a copy of the resolution.
- f. The member declared delinquent or not in good standing may file a motion for reconsideration with the Board within ten (10) days from the receipt of the resolution declaring him/her delinquent or not in good standing. The motion must be resolved by the Board within five (5) days from the receipt thereof.

Section 10. **Sanctions against a Delinquent Member or a Member not in good standing.** The rights and privileges of a member are suspended upon declaration of delinquency by the Board. Such suspension shall extend to his/her co-owner/homeowners or co-lessees, as applicable, and all those residing in his/her property.

The Board of Trustees shall have the authority to impose and collect interest and penalties for the non-payment of dues, fees, and contributions with interest not to exceed twelve percent (12%) per annum, as amended during the 16 September 2024 General Membership Meeting.

Section 11. **Reinstatement of a Delinquent Member or a Member Not in Good Standing.** Upon the delinquent member's re-application of membership, the Board shall, by majority vote of those present at a meeting at which there is a quorum, reinstate the membership of the delinquent member or member not in good standing within thirty (30) days from the receipt of proof of payment of the unpaid dues, fees or charges, or satisfaction of the sanctions imposed, as amended during the 16 September 2024 General Membership Meeting.

If the Board fails to reinstate the suspended member within the prescribed period through no fault of the delinquent member who has complied with all of the above requirements, the membership of the member concerned shall automatically be deemed reinstated and all rights restored at the lapse of the prescribed period, as amended during the 16 September 2024 General Membership Meeting.

Section 12. **Beneficial Users.** Beneficial users will refer to:

- a. a homeowner/resident residing within Beverly Hills Subdivision, who is not a member of the Association; or
- b. the developer or owner who cannot be a homeowner as he/ she/ it holds the property or properties in the subdivision not for the purpose residing therein but as part of the inventory of properties for sale to the general public.

In a general sense, it refers to all property owners within the subdivision who are not members, as amended during the 16 September 2024 General Membership Meeting.

Section 13. **Rights and Obligations of Beneficial Users.**

Beneficial users are entitled to basic services provided by the Association such as maintenance and security, but would not enjoy rights of members as outlined Section 4 of this By-laws. They are however, required to comply with the Association's rules and regulations, as well as paying dues and assessments that may be imposed by the Association to beneficial users in accordance with relevant Philippine laws. In addition, the Board of Trustees may impose penalties, sanctions and remedies allowed by law should they fail to fulfill their obligations, as amended during the 16 September 2024 General Membership Meeting.

ARTICLE IV FEES AND DUES

Section 14. **Membership Fees.** Every member of the association shall pay an Application Fee as indicated in the Schedule of Dues, Fees and Assessments in consideration for membership in the association, as amended during the 16 September 2024 General Membership Meeting.

Monthly Membership Dues shall be computed based on the Association's gross expenses, the subdivision's gross area and other chargeable amounts per member. Computation of fees and dues are subject to change based on relevant laws, as amended during the 16 September 2024 General Membership Meeting.

Section 15. **Special Funds.** The Association may raise funds for its programs and activities through voluntary contributions, donations and/or other forms, as amended during the 16 September 2024 General Membership Meeting.

Section 16. **Special Assessments and Other Fees.** The Association may collect reasonable fees to cover expenses related to the activities of members or beneficial users. This may include but is not limited to construction fees, gate fees, and environmental fees, as amended during the 16 September 2024 General Membership Meeting.

The Association may, from time to time, assess and collect from each member reasonable amounts as may be necessary to fund special community projects for the common good and benefit of the association, as approved by the majority of the members of the Board and the members of the Association.

Section 17. **Settlement of Association Dues and Assessments.** Members in good standing and beneficial users shall pay all dues and assessments prior to any action on their property which would require clearance from the Association is provided. These include but are not limited to property transfers, renovations and construction, as amended during the 16 September 2024 General Membership Meeting.

Section 18. **Update of Fees, Assessments and Dues.** Any increase on fees, dues and assessments shall be presented to and approved by the majority of members through a membership meeting, as amended during the 16 September 2024 General Membership Meeting.

ARTICLE V MEETING OF MEMBERS

Section 19. **Regular or Annual Meetings.** The annual or regular meeting of the members shall be held at the principal office of the association, or at a place determined by the Board on the second Saturday of March of each year. The selection of the members of the Election Committee shall be held prior the annual meeting, as amended during the 16 September 2024 General Membership Meeting.

Notice of regular or annual meetings shall be mandatory, stating the date, time and place of the meeting shall be sent to all members personally, through registered or electronic mail, or any available means, not less than seven (7) days before the date set for such meeting and shall be posted at the bulletin board of the association and other conspicuous places in the community, as amended during the 16 September 2024 General Membership Meeting.

Section 20. **Special Meetings.** A special meeting of the members may be held at any time upon the call of the President or by the majority of the Board, or upon petition of thirty percent (30%) of the members in good standing, whenever they shall deem it necessary.

Notice of any special or emergency meetings stating the date, time and place of the meeting, and purpose of the meeting shall be sent to each member personally, through registered or electronic mail, or any available means, not less than five (5) days prior to the meeting.

Section 21. Quorum. The presence in person or by proxy of at least the majority of the members in good standing shall constitute a quorum for all meetings of members. Where a quorum is present in person or by proxy, any action approved by the majority of the members present shall be the act of the members, unless a greater number is required by law, or by this By-laws.

Section 22. Proxies. Any member may be represented by proxy in all meetings. Proxies shall be in writing, signed by the member, and presented to the Association Secretary a minimum of two days before such meeting. The proxy shall be valid only for the meeting for which it is intended. In addition, for purposes other than determining a quorum, each member present at the meeting will be allowed to vote only one proxy for matters as may be allowed in this By-laws, as amended during the 16 September 2024 General Membership Meeting.

Section 23. Annual Statement. A true and full statement of the affairs of the Association, including the financial status, shall be reported at the annual meeting for the information of the members.

Section 24. Minutes. Minutes of all meetings shall be kept and preserved by the Association Secretary as a record of the matters and business transacted at such meetings.

Section 25. Order of Business. The order of business at all meetings of the members shall be as follows:

- a. Proof of service of the notice of meeting.
- b. Determination of quorum.
- c. Reading and approval of the minutes of previous annual meeting.
- d. Report of the President and Treasurer of the Association.
- e. Unfinished business.
- f. Election of the members of the Election Committee for the next election, as amended during the 16 September 2024 General Membership Meeting.
- g. Other matters.
- h. Adjournment.

ARTICLE VI BOARD OF TRUSTEES

Section 26. Board of Trustees. The powers of the Association shall be exercised, all business conducted, and all of its property controlled and held by the Board elected from among the members in good standing. The Board shall have the power to elect, appoint and/or remove the officers of the Association.

Section 27. Duties and Responsibilities of the Board. The Board which has primary authority to manage the affairs of the Association shall have the following duties and responsibilities:

- a. Regularly maintain an accounting system using generally accepted accounting principles, and keep books of accounts which shall be open for inspection to any homeowner and duly authorized representatives of government agencies upon request, during reasonable hours on business days;
- b. Collect reasonable fees, dues and assessments that may be provided for in this By-laws and approved by the majority of the members of the Association;
- c. Collect reasonable charges for assessments, and after due notice and hearing by the Board in accordance with the procedures as provided in this By-laws and rules and

regulations adopted by the Board, charge reasonable fines for late payments and for violation of the By-laws, rules, and regulations of the association, in accordance with a previously established schedule adopted by the Board and furnished to the homeowners;

- d. Propose measures to raise funds and the utilization of such funds and submit the same for consideration of the members of the Association;
- e. Undergo a free orientation by the DHSUD or any other competent agency deputized by it on how to conduct meetings, preparation of minutes, handling of accounts, laws and pertinent rules and regulations within thirty (30) days after election and/or appointment;
- f. Discharge the duties and responsibilities provided for in this By-laws;
- g. The Board shall act in all instances on behalf of the Association, except to amend the Articles of Incorporation and By-laws, to dissolve the Association, to elect members of the Board or to determine the qualifications, powers and duties, and/or terms of office of the Board and officers, and other instances that require the vote or approval of the members themselves;
- h. To have a working knowledge of the statutory and regulatory requirements affecting the Association;
- i. Adopt a system of internal checks and balances to safeguard the integrity of the operations of the Association;
- j. Regulate all commercial establishments and institutions within the Subdivision as may be necessary to maintain and protect all members' mutual interests, as amended during the 16 September 2024 General Membership Meeting; and
- k. Exercise such other powers as may be necessary and proper for the accomplishment of the purposes for which the Association was organized.

In the performance of their duties, the members of the Board and officers shall exercise the degree of care and loyalty required by such position.

Section 28. Composition of the Board. The Board shall be composed of five (5) elected members of the Association. In no case shall lessees constitute a majority of the Board.

Section 29. Qualifications of Trustees, and Officers. A trustee and/or officer of the Association -

- a. Must be a Filipino citizen;
- b. Must be of legal age;
- c. Must be a member in good standing as of three (3) months prior to the date of the election;
- d. Must be an actual resident of the subdivision/village as certified by the Association Secretary, or in default thereof, by a member of good standing having personal knowledge of his/her residency; and
- e. Has not been convicted by final judgment of an offense involving moral turpitude.

The legitimate spouse of a qualified member, when qualified in his/her own right and not disqualified by his/her own account, may be a candidate in lieu of the member.

The trustees and/or officers, during their term, shall continuously possess all the qualifications and none of the disqualifications enumerated in the immediately following section;

otherwise the Board, by majority vote of all its members, is authorized to remove them from office on said grounds.

Section 30. Disqualifications of Trustees and Officers. A trustee and/or officer of the Association shall be disqualified if any of the following are proven to be true:

- a. Those found guilty of having committed fraud, falsification, defalcation, or any other act inimical to the interests of the Association;
- b. Former trustees and/or officers of all or any Homeowners Associations who currently or previously governed over Beverly Hills Subdivision, who despite demands by the previous or incumbent Board or officers, have not turned over the books, funds, records and properties of the Association established to be in their custody during their term, as amended during the 16 September 2024 General Membership Meeting;
- c. Former members or the incumbent Board of all or any Homeowners Associations who currently or previously governed over Beverly Hills Subdivision, who unjustifiably refused to call an election, as amended during the 16 September 2024 General Membership Meeting;
- d. Those who unreasonably failed, refused to comply and/or instigated, incited or initiated non-compliance with the orders of Department of Human Settlements and Urban Development (DHSUD) and/or Human Settlements Adjudication Court (HSAC), as amended during the 16 September 2024 General Membership Meeting;
- e. Members who are trustees and/or officers of another registered homeowners Association;
- f. Those who have been declared or found by HSAC in an adversarial case filed before it, to have instigated, incited or initiated the conduct of an unauthorized election, and those who have actively participated therein, either as members of the election committee or as candidates; and
- g. Those imposed with penalty of disqualification in any case filed before the DHSUD HSAC, as amended during the 16 September 2024 General Membership Meeting.

Section 31. Election and Term of Office. The trustees shall be elected by the majority of the members in good standing. The trustees so elected shall hold office for a term of two (2) years and until their successors are elected and qualified. Trustees shall hold a maximum of 3 successive terms in office, as amended during the 16 September 2024 General Membership Meeting.

Section 32. Turnover of records and properties by the outgoing trustees and/or officers. The outgoing trustees and/or officers of the Association shall turn over all Association books, records, properties and other assets to the new set of trustees and officers within fifteen (15) days from assumption of office of the new Board.

Section 33. Removal of a Trustee. A trustee may be removed from office by way of a petition signed by the majority of the members in good standing for any cause or causes provided in section 36 of this By-laws, subject to verification and validation of the DHSUD Regional Office.

Section 34. Dissolution of the Board of Directors. The Board may be dissolved by way of a petition signed by two-thirds (2/3) of the Association members regardless of standing for any cause or causes provided in this By-laws, subject to verification and validation of the DHSUD Regional Office.

Section 35. Vacancy in the office of the Trustee. Any vacancy occurring in the Board due to removal under Section 36 of this By-laws by a vote of the majority of the members in good standing after verification and validation by the DHSUD, shall be filled by a majority vote of the members in good standing at a special election duly called for the purpose.

In the case that the vacancy is due to resignation, death, or incapacity or any other cause or causes, the remaining Trustees, if still constituting a quorum, are authorized to appoint a qualified member to fulfill the Officer duties of the outgoing trustee, as amended during the 16 September 2024 General Membership Meeting.

The Officer so elected/appointed shall serve only the unexpired term of office of his/her predecessor in office, and shall only fulfill the duties of the Officer, as amended during the 16 September 2024 General Membership Meeting.

The Board of Trustees shall be a minimum of 3 elected members at all times. If the minimum number of members is not met, then a special election shall be held for the purpose of electing 3 new members of the Board, as amended during the 16 September 2024 General Membership Meeting.

If the term of the Trustees elected through special elections is less than 6 months, then the Trustees elected through this special elections will hold office a term of two (2) years from the period of regular elections in March of the following year, plus the remaining term of the existing Board of Trustees. Only two Trustees will then be elected come the regular elections on March of the following year, as amended during the 16 September 2024 General Membership Meeting.

Section 36. Grounds for Removal of a Trustee or Dissolution of the Board of Directors. A director may be removed, or the Board may be dissolved on grounds, such as but not limited to, the following, as amended during the 16 September 2024 General Membership Meeting:

- a. the commission by the Trustee of a crime involving moral turpitude against BHCHA, which resulted in grave damage or injustice to BHCHA and/or the general membership;
- b. the Trustee's loss of membership due to any cause provided in this By-laws and pertinent laws;
- c. the absence of the Trustee from the subdivision for a continuous period of at least six (6) months provided such absence rendered him incapable of discharging his duties as Trustee;
- d. Breach of trust;
- e. Conflict of interests;
- f. Mismanagement, fraud or abuse of authority;
- g. Tolerated the commission of fraudulent activities and other illegal acts committed by a Trustee and/or homeowners;
- h. Gross negligence in managing the affairs of BHCHA; or
- i. Failure to perform their fiduciary duties and/or responsibilities.

Section 37. Board Meetings. The Board shall hold regular meetings at such time and place to be determined by the Board. Special meetings may be held at any time upon the call of the President, or by the majority of the Board, as amended during the 16 September 2024 General Membership Meeting. The President or, in his/her absence, the Vice President, shall preside at all meetings of the Board.

Board meetings may be held in person or through remote or electronic means, or a combination of both.

Notice of meetings shall be sent to the members of the Board by the Secretary at least two (2) days prior to such meeting. The notice shall state the date, time and place of such meeting, and shall state the purpose of such meeting. No other business shall be transacted at such

meeting except as stated in the notice unless by consent of the majority of the members of the Board present at the said meeting at which a quorum is present.

Section 38. Personal Attendance. A trustee shall attend board meetings in person or through remote or electronic means of communication. Trustees cannot attend or vote by proxy at Board meetings.

Section 39. Quorum in Board Meetings. Majority of the number of Trustees as fixed in the Articles of Incorporation shall constitute a quorum to transact business. Every decision of at least a majority of the Trustees present at a meeting at which there is a quorum shall be valid as a corporate act, except those that require the vote of the majority of all members of the Board.

Section 40. Minutes. Minutes of all board meetings shall be kept and preserved by the Association Secretary as a record of the matters and business transacted at said meetings.

Section 41. Compensation. The members of the Board shall serve without compensation. However, reasonable expenses incurred by the Board in connection with official activities may be reimbursed upon presentation of receipts and other documentary evidence in support of such claims subject to audit.

ARTICLE VII OFFICERS

Section 42. Officers. The Association shall have the following executive officers, who may be comprised of the Board of Trustees, as amended during the 16 September 2024 General Membership Meeting, who shall be responsible for the management of the association's business: President, Vice-president, Secretary, Treasurer, and Auditor who must all be Filipino citizens. No one shall act as President and Secretary, or as President and Treasurer at the same time. Long-term lessees and/or tenants are not qualified to be elected or appointed as President, Vice-president, Secretary and Treasurer of the Association.

Section 43. Election and Term of Office. The officers shall be elected by the Board from among themselves during the organizational meeting or the first meeting of the Board immediately after the election. The term of office of the officers shall coincide or correspond to the term of office of the Trustees.

Section 44. Compensation. The officers of the association who are not members of the Board may receive such honoraria as may be determined by the Board.

Section 45. Suspension and/or Removal of Officer. An officer may be suspended and/or removed, after due notice and hearing, by a majority vote of the entire Board whenever in its judgment the best interest of the Association will be served thereby.

Section 46. President. The President shall preside at meetings of the members and must be a member of the Board of Trustees, as amended during the 16 September 2024 General Membership Meeting. He/she shall exercise such powers and perform such duties incident to his/her office, and other necessary functions as the Board may assign. Among others, the president shall perform the following functions:

- a. Exercise general supervision over all the other officers of the Association;
- b. Represent the Association in all meetings or activities to which it is a party or participant;
- c. Preside, in consultation with the appropriate officers and committees, a yearly program of activities and submit an annual report of the operations of the Association to the

members at the annual meeting, and to the Board such statements, report, memoranda and accounts as may be requested by the latter;

- d. Shall execute in the name of the Association all contracts and agreements authorized by the Board.

Section 47. Vice-President. The Vice-President must be a member of the Board of Trustees. He/she shall be vested with all the powers and authority of, perform the duties of the President during the absence or incapacity of the latter, and shall perform such other duties that the Board may assign to him/her. He/she shall assist the president in all matters affecting the operation of the Association, as amended during the 16 September 2024 General Membership Meeting.

Section 48. Treasurer. The Treasurer, who may or may not be a Trustee of the Association, as amended during the 16 September 2024 General Membership Meeting, shall have overall responsibility for all Association funds, receipts and disbursements of the association, and shall perform the following:

- a. Act as the custodian of the funds and property of the Association;
- b. Keep a complete and accurate record of all receipts and disbursements of the Association, and ensure that all disbursements and/or expenditures are evidenced by appropriate vouchers;
- c. Disburse the funds of the Association for specific purpose/s authorized by a resolution of the Board;
- d. Collect fees, dues and assessments from the members;
- e. Deposit the funds of the Association in bank accounts in the name of the Association;
- f. Shall monitor all delinquencies and send notices on overdue Association's dues and/or demand letters;
- g. Prepare the financial statements of the Association, periodically submit and report to the President and to the Board, and report of the members during the general assembly meeting an account of the financial condition of the Association; and
- h. Such other duties incident to the office of the treasurer and such other duties that the Board may assign to him/her.

The treasurer may delegate the routine duties of the office of the treasurer to one or more employees of the Association subject to the approval of the president.

Section 49. Secretary. The Secretary, who may or may not be a Trustee of the Association, shall keep and maintain a membership book containing the list of all members including information and data which may be required by the Board, act as repository of all records and other documents of the Association, handle all correspondences of the Association, and perform such other functions and/or duties incident to the office of the secretary and as the Board may assign. The Secretary must be present in all Board Meetings, as amended during the 16 September 2024 General Membership Meeting.

Section 50. Auditor. The Auditor, who may or may not be a Trustee of the Association, shall perform the following functions:

- a. Serve as the Chairperson of the audit and inventory committee of the Association;

- b. Conduct a detailed and periodic audit of all financial accounts, books and transactions of the Association, and shall render a report of his/her audit as may be required by the Board or by request of the majority of the members; and
- c. Such other duties as are incident to his/her office and as may be assigned by the Board.

ARTICLE VIII STANDING COMMITTEES

Section 51. Committees. The Board shall have the power to create committees, such as, but not limited to, the following:

- a. **Election Committee.** The members of the Committee shall be elected by the majority of the members in good standing at the annual meeting of members. Only members who are in good standing and not members of the incumbent Board may qualify to be members of the Committee.

The Committee shall conduct and supervise all election activities, referenda and/or plebiscite, and shall prepare the rules and regulations for the conduct of elections for the members of the Board. It shall perform such other functions as may be assigned by the Board.

- b. **Grievance Committee.** The Committee shall accept and investigate grievances or complaints filed by a member, homeowner or beneficial users against any other member, homeowner, beneficial user, director or officer, and shall settle any disputes within its power. The Committee shall resolve the complaints or dispute brought before it within thirty (30) days from the receipt thereof.

Any controversy or dispute shall first be brought before the Grievance Committee prior to elevating the same to the Department of Human Settlements and Urban Development (DHSUD) and/or the Human Settlements Adjudication Commission (HSAC).

- c. **Audit Committee.** The Committee shall be responsible for auditing the accounts of the Association. It shall conduct such audit at least semi-annually and submit its audit reports to the Board.

- d. **Environment and Maintenance Committee.** The Committee shall foster awareness, recognition and support for a healthy and sustainable natural environment. The Committee shall likewise extend help during natural calamities and/or any environmental eventualities. The Committee shall also be responsible for the upkeep and repair of community facilities and services, as amended during the 16 September 2024 General Membership Meeting.

- e. **Peace and Order Committee.** The Committee shall be responsible for maintaining peace and order in the community. It shall form and organize the members into brigades to safeguard the security of the area and emergency/disaster brigade to meet any natural or man-made calamity. The committee shall also act as frontliners in times of disaster or emergency. It shall have close coordination with the Barangay DRRMC, the Local DRRMC, or the Regional DRRMC in the implementation of the disaster risk reduction and management programs, policies, and guidelines within their jurisdiction, as amended during the 16 September 2024 General Membership Meeting.

- h. **Social Affairs Committee.** It shall be tasked with planning, organizing and implementing social activities that will help improve inter-personal relations among the members and develop programs and activities to deepen cultural awareness. The committee shall also be responsible for other matters related to community relationships, such as the registration of all domestic workers and/or employees of the homeowners, programs related to livelihood and gender & development, as amended during the 16 September 2024 General Membership Meeting.
- i. **Regulation of Non-residential Activities Committee.** It shall be responsible for the review of activities and creation of regulations in relation to non-residential activities within the subdivision. These activities may include but are not limited to those related to commercial establishments and other businesses, as amended during the 16 September 2024 General Membership Meeting.

The Committee members shall be members in good standing and not members of the incumbent Board. The Board may establish such other committees as it may deem necessary.

ARTICLE IX ELECTIONS

Section 52. Holding of Elections. Elections for the members of the Board shall be held on the second (2nd) Saturday of March of each year, as amended during the 16 September 2024 General Membership Meeting. The first election under this By-laws shall be called by the Interim Board within six (6) months from the approval of this By-laws, and the elected Trustees shall only serve until the regular election as provided in this By-laws. The election shall be done by secret ballot.

Section 53. Calling of an Election. Only the incumbent Board and/or through the President or Vice president are authorized to call the election in accordance with this By-laws.

Section 54. Quorum in Elections. At all elections, there must be present or votes cast by majority of the Association members in good standing, either in person or by proxy.

Section 55. Proxies in Elections. Members in good standing may vote in person or by proxy in all elections of Trustees. Proxies shall be in writing, signed by the member and submitted to the Election Committee in accordance with the schedule as set by the Election Committee. The proxy shall be valid only for the election for which it is intended, unless earlier revoked by the member. In addition, the voting rights of proxies shall be limited by representation as per Article V and Sections 21-22 of this By-laws.

Section 56. Postponement or Failure of Election. When a regular or special election cannot be held or conducted due to lack of candidates, or the number of qualified candidates did not reach a number as to constitute majority of the entire Board, or for any other serious cause such as violence, terrorism, force majeure, and other analogous causes of such a nature that the holding of a free, orderly and honest election should become impossible, the Election Committee shall postpone the election and call another election within a period of thirty (30) days from the initial date of the election or the cessation of the cause for such postponement of election.

In the event of lack of quorum or for any other serious cause such as violence, terrorism, force majeure, and other analogous causes of such a nature that the holding of a free, orderly and honest election should become impossible, the Election Committee shall declare a failure of election, and shall call for another election within a period of thirty (30) days from the date of the failed election or the cessation of the cause for such failure of election.

Section 57. Hold-Over. Where there is a justified failure to elect a new set of Trustees and the causes for such failure persist after a second election is called, the incumbent Board shall be

allowed to continue in a hold-over capacity until their successors are elected and qualified for the next term.

Section 58. Election Protests. Election protests shall be in writing and must be filed before the Election Committee within five (5) days after the proclamation of the winning candidates, specifically stating the grounds thereof, except in issues of qualification or disqualification of candidates and/or voters, in which case it may be filed within three (3) days from the discovery thereof.

The Election Committee shall decide on the controversy brought before it within the non-extendible period of five (5) days from the receipt of the protest.

If the complainant or protestant is dissatisfied with the decision of the Election Committee, he/she may file an election protest or complaint before the proper Regional Adjudication Branch of the HSAC pursuant to its Rules of Procedure.

ARTICLE X FINANCIAL TRANSACTIONS AND OTHER RECORDS

Section 59. Contracts. The Board shall, by specific resolution, authorize the President and a Trustee to enter into and execute any contract and deliver any instrument in the name or in behalf of the Association, as amended during the 16 September 2024 General Membership Meeting.

Section 60. Signing of Checks, Drafts or Other Orders for Payment. All checks, drafts, or other orders for payment of money, and all notes, bond or other evidence of indebtedness issued in the name of the Association shall be signed jointly by the Treasurer and the President or other officers authorized by the Board.

Section 61. Association Funds. The Association shall observe the following with regard to its funds, financial and other records:

- a. The Association or its managing agent shall keep financial and other records sufficiently detailed to enable the Association to fully declare to each member the true statement of its financial status. All financial and other records of the Association including, but not limited to, checks, bank records and invoices, in whatever form these are kept, are the property of the Association.
- b. A financial statement of the Association shall be prepared annually by the treasurer, attested to by the chairperson of the Board or the president, and audited by the auditor and/or an independent certified public accountant within ninety (90) days from the end of the accounting period. The financial statement shall be posted in the Association office, bulletin boards, and other conspicuous places within the subdivision or community, and shall be submitted to the DHSUD; and
- c. The funds of the Association shall be kept and deposited in bank accounts in the name of the Association and shall not be joined or commingled with the fund of any other Association, trustee, officer or any other person responsible for the custody of such funds.

Section 62. Fiscal Year. The fiscal year of the association shall begin on the first day of January and end on the last day of December of each year.

**ARTICLE XI
MISCELLANEOUS PROVISIONS**

Section 63. **Policies, Rules and Regulations.** The Board shall have the power to promulgate policies, rules and regulations consistent with the laws, and pertinent rules and regulations subject to consultation and ratification of the majority of the members regardless of standing. In no case shall the Board adopt resolutions or policies that contradict duly promulgated DHSUD guidelines, regulations or directives.

Section 64. **Amendment.** This By-laws or any portion or provision thereof may be amended or repealed by majority vote of all members of the Association regardless of standing at a duly called and held regular or special meeting, *provided*, the notice of such meeting shall contain a fair statement of the proposed amendments.

Adopted and approved by the interim Board and majority of all the members of the Association on September 16, 2024 at Taytay, Rizal.

IN WITNESS WHEREOF, We have hereunto signed this Association By-laws, this _____ day of _____, _____ at _____, Philippines.

Sebastian Quiniones, Jr.

President, Trustee

Myra Reinoso

Secretary/Treasurer, Trustee

Eduardo Millana

Trustee

Miguel Castro

Trustee

Bernardita McFarland

Trustee

ACKNOWLEDGMENT

Republic of the Philippines)
_____) S.S.

BEFORE ME, this _____ day of _____, at _____, personally appeared and exhibiting to me their respective identification cards:

Name	TIN ID	Issued at/on
Sebastian Quiniones, Jr.		
Myra Reinoso		
Eduardo Millana		
Bernardita McFarland		
Miguel Castro		

known to me to be the same persons who executed the foregoing By-laws consisting of fourteen (14) pages, including this page, and who acknowledged to me that the same is their true and voluntary act and deed.

WITNESS MY HAND SEAL on the day and place first above mentioned.

NOTARY PUBLIC

Doc. No. _____;
Page No. _____;
Book No. _____;
Series of _____.